

**PHARMACY EXAMINING BOARD  
MEETING MINUTES  
DECEMBER 15, 2010**

**PRESENT:** Timothy Boehmer, R.Ph.; Jason Walker-Crawford, R.Ph.; Gregory C. Weber, R.Ph.; Jeanne Severson, R.Ph. and Amy Mattila, R.Ph.

**VIA LIVE  
MEETING:** Pamela Phillips

**EXCUSED:** Suzette Renwick

**STAFF:** Nora Wilson, Bureau Director; Colleen Baird, DRL Acting Board Counsel; Michelle Solem, Bureau Assistant; and other DRL Staff

**GUESTS:** Eric Knox, Wisconsin Department of Corrections; Jamie Statz-Paynter, Dean Pharmacy; Jeffrey Clinton, Omnicare; Hashim Zaibali, CVS; Tom Engels, Pharmacy Society of Wisconsin; Tim Galinsky and Brian McIlhone, Walgreens; Jess Greenlee, Michael Siems, Tyler Ho, Katie Salzman, Dan Schenkat, Ben Heiser and Nick Ladell, pharmacy students; Donna Naundorf, Cardinal Health; Amy Roenkin, Chartwell Pharmacy; Lisa Christianson, Dean Administration; Paul Baum, Group Health Cooperative; Chelsea Mannebach, Dean East; Gary Plank and Taya Staples, Marshfield Clinic; Janel Garth, Embrace Pharmacy; and Gina Besteman, Women's International Pharmacy

**CALL TO ORDER**

Jeanne Severson, Chair, called the meeting to order at 9:02 a.m. A quorum of 6 members was confirmed.

**APPROVAL OF AGENDA**

**Amendments:**

- Revise page numbers from 38-42 to 39-42
- Re-number to include F & G
- Next meeting date should be listed as 2011 not 2010.

**MOTION:** Tim Boehmer moved, seconded Jason Walker-Crawford, to approve the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES OF OCTOBER 27, 2010**

**Corrections:**

- Revise meeting date in footer
- Speaking engagements and Travel – include NABP Interactive forum
- NABP District meeting was in November not October

**MOTION:** Greg Weber moved, seconded by Jason Walker-Crawford, to approve October 27, 2010 minutes as amended. Motion carried unanimously.

## **ADMINISTRATIVE REPORT**

Nora Wilson reported that Department of Health Services was not aware of any pertussis outbreaks. She told the Board that she has spoken with NABP regarding support for PDMP. Steve Kraillis will be available to discuss PAP (formerly IPP) with the Board at their April 2011 meeting.

### **PRESENTATION OF PROPOSED STIPULATIONS**

Attorney Nowak presented the Proposed Stipulation, Final Decision and Order in the matter of Sheldon A. Bernstein, R.Ph. – 07 PHM 066. Deliberation will be in closed session.

Attorney Konkol presented the Proposed Stipulation, Final Decision and Order in the matter of Timothy F. Hunt, R.Ph. – 08 PHM 020. Deliberation will be in closed session.

### **SPEAKING ENGAGEMENTS AND TRAVEL**

Amy Mattila reported on her recent trip to the NABP District 4 meeting.

### **VARIANCE REQUESTS AND REPORTS**

#### **VARIANCE REQUEST – CHARTWELL MIDWEST WISCONSIN DELIVERY**

Amy Roenkin from Chartwell described the differences between the initial variance request and the request submitted for the meeting today. The Board discussed reports being biannually the first year and annually for subsequent years. The Board noted that prior to adding additional facilities; Chartwell must request an amendment to the variance.

**MOTION:** Jason Walker-Crawford moved, seconded by Tim Boehmer, to approve Chartwell's delivery variance request through February 2012 with reporting required in January and July. Any requests for additional facilities would require an amendment. Board approval must be obtained prior to using the additional facilities. Motion carried unanimously.

#### **VARIANCE REQUEST – PRESCRIPTION SOLUTIONS DELIVERY**

Jason Walker-Crawford noted his concerns for the request as submitted.

- No consultation required
- Blanket variance
- No medication return policy
- No security and accountability

**MOTION:** Greg Weber moved, seconded by Jason Walker-Crawford, to deny the delivery variance request submitted by Prescription Solutions. Motion carried unanimously.

## **VARIANCE REQUEST – EMBRACE PHARMACY**

Tim Boehmer recused himself from the discussion. Janel Garth indicated that they are a closed door specialty pharmacy. They are asking that the first dose be delivered to the physician's office to test for anaphylaxis. The Board noted that this variance is very broad and consultations must occur before the medication leaves the pharmacy. The return or destruction of medication must be made to/by the pharmacy to "close the loop". The medication needs to be delivered to the patient and not the provider. The Board also discussed the need for specific locations for delivery delineated within the request. This list could be updated through an amendment submission to the Board. The pharmacy must obtain a signature from someone at the physician's office for tracking purposes. Embrace Pharmacy withdrew their request for variance at this time.

## **PRACTICE/FREQUENTLY ASKED QUESTIONS**

### **Temporary Absence of Pharmacist**

The Board discussed the circumstances presented and noted that his citation of the rules was correct and that is the only comment that the Board can make. Greg Weber and Jason Walker-Crawford will work with Michele Miller Hayes to formulate a response.

### **Faxed and Electronic Prescriptions**

It was noted that currently, the DEA has one set of guidelines and the Board has another set of guidelines. The licensees are trying to determine where meaningful use meets the legal requirements. We are not able to answer these questions due to the differences between Wisconsin Law and Federal Law. It was suggested that basic qualifiers be posted to the website. Greg Weber and Jason Walker-Crawford will work with Michele Miller Hayes to formulate a response.

### **Interns Transferring Prescriptions**

It was noted that the intern can do anything that a licensed pharmacist can do provided they are under the supervision of a licensed pharmacist.

### **Dispensing and Distribution of Prescription Drugs and Devices**

**MOTION:** Jason Walker-Crawford moved, seconded by Tim Boehmer, to approve Dispensing and Distribution of Prescription Drugs and Devices and post the FAQ on the web site. Motion carried unanimously.

### **Pseudoephedrine Logs**

**MOTION:** Greg Weber moved, seconded by Amy Mattila, to approve the FAQ related to pseudoephedrine logs and post the FAQ on the web-site. Motion carried unanimously.

## **REVIEW OF CURRENT AND FUTURE RULEMAKING AND LEGISLATIVE INITIATIVES – DISCUSS AND SET PRIORITIES**

### **Review and Discuss Current and Future Rulemaking and Legislative Initiatives**

Mr. Weber indicated that after the last meeting, items 10, 11 and 12 were added. There were no other changes.

### **Review and Discuss PDMP**

Ms. Wilson noted that the scope statement will be published today. The Board discussed the workgroup. The following questions were brought up:

- Who to involve in workgroup?
- Information the workgroup needs?
- Structure of the workgroup, i.e., teleconference?
- What funding is available for the workgroup?
- Will there be a dedicated person to work on the grant?

The Board would like the workgroup to start meeting in January so that they could make a presentation to the Board at the February meeting. Amy Mattila, Jeanne Severson and Tim Boehmer will work with Michele Miller Hayes to begin the process of drafting PDMP administrative rules. On behalf of the Board, Nora Wilson will invite Bob Block to join the workgroup. The Board also approved adding the representative from Ohio, Dana Droz, to the workgroup.

### **Review and Discuss Separate Licensing for Oxygen**

The Board postponed this discussion until the April meeting.

### **Board Review and Discussion of Phar 17**

After some discussion, the Board asked that this item be included on the April agenda.

### **Telephone Appearance - Phil Burgess and Daniel Aron Kelber – Illinois Department of Financial and Professional Regulation**

Mr. Burgess noted that Illinois had a sunset clause and their practice act had not been touched in 20 years. Rather than tweaking their original act, they decided that they would re-write it from beginning to end. It took 2 years before the legislation could be introduced. They encouraged the Wisconsin Board write the practice act broadly and use the rulemaking process to refine the practice. Illinois Department met with the Board in Illinois. Once the initial draft was prepared, the pharmacy associations, larger chains, retail merchants association and Board met, discussed issues and re-wrote sections. Once a final draft was complete, it was sent to the other Boards with prescriptive authority to review and comment. Through the process, they reduced the number of license types for pharmacies. Mr. Kelber noted that the cost for the legislative process

was only the time invested in creating the document. Mr. Burgess noted that most of the time was volunteer time because they were aware of the need for changes to the practice act.

### **E-Prescribing Bill Draft**

It was noted that the change requested is due to a change in the DEA guidelines and cite the Federal Register.

## **DRUG ENFORCEMENT ADMINISTRATION MONTHLY DRUG THEFT AND LOSS REPORT**

October & November reports were noted.

### **Discussion Surrounding use of Information**

The Board noted that the new format is more user friendly. It was noted that DEA registrants that report a theft or loss are required to report that same information to the Department within two weeks of DEA notification. The Board also noted that they have not received those notifications and asked if the Department has received any notifications. Mr. Boehmer will discuss this with the Controlled Substances Board as it relates to 961.36 (1). The Board noted that they were concerned with the number of packages lost by shipping companies.

## **LIAISON REPORTS**

### **DOE INSPECTIONS – AMY MATTILA**

No report at this time.

### **CREDENTIALING – TIMOTHY BOEHMER**

Tim Boehmer noted that most of the questions surrounded intern hours from graduates from U.S. recognized schools and foreign pharmacy graduates.

### **STATE COUNCIL ON ALCOHOL AND OTHER DRUG ABUSE - PAMELA PHILLIPS**

Pamela Phillips noted that she had read the report that Nora Wilson had prepared. The next meeting is April 4, 2011.

### **UW-SOP-QRC – JASON WALKER-CRAWFORD**

Jason Walker-Crawford reported that he provided an update to them electronically.

## **INFORMATIONAL ITEMS**

### **Agent of the Prescriber – Letter from American Medical Directors Association and Agenda of the Prescriber – Federal Register**

The Board tabled the discussion until the next meeting. The Board members were asked to save the pages from this agenda to the next agenda.

### **October 8, 2010 NASCA Newsletter**

Noted.

## **Wisconsin Legislative Council Memo on Health Care Access**

Noted.

### **PUBLIC COMMENTS**

Jeffrey Clinton, Roeschen's Omnicare Pharmacy, addressed the Board and provided a handout to the Board regarding Wis. Stats. § 362. He discussed the PDMP as it relates to long-term care pharmacies. He noted that long-term care pharmacies have safeguards in place to counteract the concerns of the PDMP as illustrated in the handout that was provided to the Board and suggested that the Board might consider a waiver for long-term care pharmacies. There are several states that do have the authority to grant a waiver. Currently, Wisconsin does not have the authority. Mr. Clinton suggested that this option be included in the legislative revisions considered by the Board.

### **CLOSED SESSION**

**MOTION:** Jason Walker-Crawford moved, seconded by Tim Boehmer, to convene to closed session to deliberate on case(s) following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation(s) with administrative warning(s) (Wis. Stat. § 19.85 (1) (b) and 440.205); to consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Roll Call Vote: Timothy Boehmer-yes; Jason Walker-Crawford-yes; Gregory C. Weber-yes; Jeanne Severson-yes; Amy Mattila-yes; and Pamela Phillips-yes. Motion carried unanimously.

Open session recessed at 1:00 p.m.

### **RECONVENE TO OPEN SESSION**

**MOTION:** Tim Boehmer moved, seconded by Jason Walker-Crawford, to reconvene into open session at 3:11 p.m. Motion carried unanimously.

### **VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION**

#### **PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS**

**SHELDON A. BERNSTEIN, R.PH.**  
**07 PHM 066**

**MOTION:** Jason Walker-Crawford moved, seconded by Pamela Phillips, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of Sheldon A. Bernstein, R.Ph. 07 PHM 066. Motion carried. Greg Weber recused himself from deliberations and vote.

**TIMOTHY F. HUNT, R.PH.**  
**08 PHM 020**

**MOTION:** Jason Walker-Crawford moved, seconded by Tim Boehmer, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of Timothy F. Hunt, R.Ph. 08 PHM 020. Motion carried. Amy Mattila recused herself from deliberations and vote.

## **MONITORING**

### **SCOTT ISAACSON REQUESTING REINSTATEMENT**

**MOTION:** Jason Walker-Crawford moved, seconded by Tim Boehmer, to deny the request for reinstatement from Scott Isaacson. Scott Isaacson can re-petition the Board for reinstatement after completion of the following:

- Take NAPLEX and MPJE Exams and receive passing scores within one year of the date of the order
  - Complete not less than 15 credits of remedial education in Professional Boundaries and Ethics with no less than 6 credits in Professional Boundaries and 6 credits in Ethics pre-approved by the Department Liaison. This will not count toward continuing education requirements. On-line courses are exempt. All courses must be in person.
  - Continue treatment as recommended by the mental health provider approved by the Department Monitor and submit satisfactory reports quarterly
  - Documented participation NA/AA 12-step program meetings
  - Continue with not less than 56 urine drug screens with one hair screen per year.
  - Submit satisfactory reports from probation officer quarterly.
  - Upon submission of required documentation, the Board reserves the right to impose license and practice setting limitations.
- Motion carried unanimously.

### **HOLLY SLUSSER REQUESTING STAY OF SUSPENSION**

**MOTION:** Jason Walker-Crawford moved, seconded by Tim Boehmer, to deny the request for a stay of suspension and the request for a reduction in screens received from Holly Slusser. Motion carried unanimously.

## **ADJOURNMENT**

**MOTION:** Amy Mattila moved, seconded by Jason Walker-Crawford, to adjourn the meeting at 3:18 p.m. Motion carried unanimously.